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Shahan Islam, Esq.  
Rosenman & Colin LLP  
575 Madison Avenue  
New York, NY 10022-2585

In re Application of  
Hyun-Soo Kim, et al.  
Application No. 09/536,163  
Filed: March 25, 2000  
Attorney Docket No. 2867/FLK

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**OFFICE OF PETITIONS**

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 8, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed August 9, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 10, 2001.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pat., 1988). Accordingly, since the \$110.00 extension of time submitted with the petition on May 8, 2002 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner in due course.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry Brinkley at (703)305-9220.

The application file is being forwarded to Files Repository.

*Cheryl Gibson-Baylor*

Cheryl Gibson-Baylor  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

